

AUGUST 27, 2008

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURTUNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

RECEIVED

Aug 4 2008  
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MBMICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURTGreg Zawadowicz(Enter above the full name  
of the plaintiff or plaintiffs in  
this action)

vs.

Case No: 08 C 2550

(To be supplied by the Clerk of this Court)Phil Cline,Mark Vail, Sheamus M. Forgas,Mark T. Hawkins, Sean B. Forde,John L. Folino Jr,Timothy B. Mc Dermott,Brian S. Spain,(Enter above the full name of ALL  
defendants in this action. Do not  
use "et al.")

## AMENDED COMPLAINT

## CHECK ONE ONLY:

  X  COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983  
U.S. Code (state, county, or municipal defendants)       COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE  
28 SECTION 1331 U.S. Code (federal defendants)       OTHER (cite statute, if known)***BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR  
FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.***

**I. Plaintiff(s):**

- A. Name: Greg Zawadowicz
- B. List all aliases: none
- C. Prisoner identification number: 2006-0059781
- D. Place of present confinement: Cook County Department of Correction
- E. Address: 2650 S. California Av, Chicago, IL 60608

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, place of confinement, and current address according to the above format on a separate sheet of paper.)

**II. Defendant(s):**

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

- A. Defendant: Phil Cline  
Title: Superintendent of Chicago Police Department  
Place of Employment: Chicago Police Department
- B. Defendant: Mark Vail  
Title: Sgt, Unit Commander Officer  
Place of Employment: Chicago Police Department
- C. Defendant: Mark T. Hawkins  
Title: Search Team Supervisor  
Place of Employment: Chicago Police Department

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

D. Defendant: John L. Folino, Jr,

Title: Chicago Police Officer, Entry,

Place of Employment: CPD Area 5th Police Station

E. Defendant: Timothy B. McDermott,

Title: Chicago Police Officer, Entry,

Place of Employment: CPD Area 5th Police Station,

F. Defendant: Brian S. Spain,

Title: Chicago Police Officer, Affiant,

Place of Employment: CPD Area 5th Police Station,

G. Defendant: Sheamus M. Forgas,

Title: Chicago Police Officer, Entry,

Place of Employment: CPD Area 5th Police Station,

H. Defendant: Sean B. Forde,

Title: Chicago Police Officer, Breech,

Place of Employment: CPD Area 5th Police Station,

**III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:**

- A. Name of case and docket number: none
- B. Approximate date of filing lawsuit: none
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: none
- D. List all defendants: none
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): none
- F. Name of judge to whom case was assigned: none
- G. Basic claim made: none
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): N/A
- I. Approximate date of disposition: none

**IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.**

#### IV. Statement of Claim:

State here as briefly as possible the facts of your case. Describe how each defendant is involved, including names, dates, and places. **Do not give any legal arguments or cite any cases or statutes.** If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

1. On August 02, 2006, the plaintiff was arrested while in his own apart-

ment, which was located at 2542 N. Lockwood Av, Chicago, Il 60639.

This arrest was obtained by several Chicago Police Detectives Without

them first having gotten an arrest and seizure warrant on his property

and his own.

2. During the arrest then the plaintiff's apartment was searched and cer-

tain items were took for evidence by by the Chicago Police Detectives with-

out them having a warrant or probably cause.

3. The Defendant Phil Cline is responsible for his subordinate employes

as Superintendent for actions conducted during his employes duties.

4. The Defendant Mark Vail was responsible for this search in plaintiff's

apartment as he was commander officer which conducted this warrantless

arrest, search and seizure of plaintiff and his property on August 02, 2006

and then having him handcuffed and escorted down to their precinct 5th Grand

-Central Police Station, to which was made in violation on plaintiff's

rights under the Fourth Amendment to the United States Constitution; as well

as Article I, Section 2, 6, and 10 of the Constitution of the State of Illi-

nois, and 720 ILCS 108-1 et. seq. of Illinois Revised Statues.

5. The Defendant Mark T. Hawkins is responsible for leading this unlawful search and seizure of plaintiff's property and then the warrantless arrest, handcuffing and escorting him to the Police Station Area 5th on August 02, 2006, as he was one of detective's who had assisted in the unlawful conduct.

6. The Defendant Brian S. Spain is responsible as affiant for unlawful search plaintiff's apartment, seizing his property, preparing warrant of search after illegal action was conducted, assisting in unlawful arrest and handcuffing him, and escorting plaintiff to Police Station Precint 5th during this unlawful action on August 02, 2006.

7. The Defendant John L. Folino Jr, is responsible for warrantless arrest-ing and handcuffing plaintiff in his apartment, assisting in search and seizure his property, and escorting him to Police Station Precint 5th, what occured on August 02, 2006.

8. The Defendant Timothy B. McDermott is responsible for assisting in unlawful arrest, handcuffing, search and seizure, escorting plaintiff to Police Station Precint 5th, what had place on August 02, 2006.

9. The Defendant Sheamus M. Fergus is responsible for assisting in warrant-less arrest, handcuffing, search and seizure plaintiff and his property as one of detective's conducted this action and escorting plaintiff to Police Station Precint 5th on August 02, 2006.

10. The Defendant Sean B. Forde is responsible for cooperating in unlawful searching, arrest, seizing plaintiff's property and escorting plaintiff

to Police Station Precint 5th, what occured on August 02, 2006.

11. The plaintiff was kept in Police Station Precint 5th for three days, questioned, fingerprinted, photographet and exhibited by detectives mentioned above, what was invasion on his right to privacy and due process of the law under the Fourteenth Amendment to Constitution of the United States.

12. During this time plaintiff demanded counsel and his request remain unanswered, what is in violation of his rights under Fifth and Sixth Amendment to the Constitution of the United States. On August 05, 2006, plaintiff was transported to CCDOC at 2700 S. California Av, Chicago, IL 60608, where plaintiff remain to today.

**V. Relief:**

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Plaintiff is claiming for compensatory damage and pray this Court to enter  
the judgement against respondents for sum of \$150,000. (one hundred fifty  
thousand dollars) collectively. Claimant is seeking also for punitive damages.

VI. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

**CERTIFICATION**

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this 29 day of August, 2008,



(Signature of plaintiff or plaintiffs)

Greg Zawadowicz  
(Print name)

2006-0059781  
(I.D. Number)

CCDOC 2700 S. California Av, Chicago, Il 60608.

(Address)